THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.27353 of 2005

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Dated:22.12.2005

Between:

K.Gaffar, s/o K.Quader Mohiuddin,
Siddi Basha Dargha Committee, R/o D.No.6/116, Main Bazar,

Tadipatri, Ananthapur District.

..... PETITIONER

AND

Tadipatri Municipality, represented by its Commissioner Tadipatri,

Ananthapur District.

.....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.27353 of 2005

ORDER:

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The Muthawali of Siddi Basha Dargha, Tadipatri, filed the instant writ petition seeking a writ of mandamus declaring the action of the respondent-Municipality i.e., Tadipatri Municipality, in demolishing the part of the Dargha including two minars, without following due procedure under law, as illegal and arbitrary. It is the case of the petitioner that Siddi Basha Dargha is an old religious place visited by many devotees regularly for the last 100 years. According to the petitioner, there is no road between the private property and the Dargha on the northern side, and 5 feet place is being utilized by private owners i.e., owners on the northern side of the Dargha and people visiting the Dargha. On the southern side, 50 feet wide road was widened up to 90 feet recently, but two days prior to the filing of the writ petition, the Municipal Commissioner along with other officials visited the Dargha so as to form a new road. The petitioner alleges that such new road was not approved in the master plan nor there is any scheme approved by the Municipal Council. Therefore, the

present writ petition is filed.

Heard the learned Counsel for the petitioner, Mr. Y.Rama Rao, and the learned Standing Counsel for the respondent-Municipality, Mr.S.I.Newton. The learned Standing Counsel submits that as on today, there is no proposal by the Municipality to lay the road or develop the existing road on the northern side of Dargha, and the writ petition is filed on a mere apprehension.

The same is recorded, and the writ petition is dismissed, as the same is filed on a mere apprehension, observing that if there is going to be any proposal for developing the existing pathway of 5 feet on the northern side of Dargha, the Municipality shall do so only in accordance with law. No costs.

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(V.V.S.RAO, J)

22.12.2005

vs